

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND,  
BALTIMORE DIVISION**

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**CROFTON VENTURES LIMITED  
PARTNERSHIP,**

**Plaintiff,**

**v.**

**G&H PARTNERSHIP, et al.**

**Defendants.**

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**Civil Action MJG 96-1378**

**MOTION OF E. STEWART MITCHELL FOR LEAVE TO FILE SURREPLY IN  
OPPOSITION TO PLAINTIFF’S MOTION TO REOPEN**

Pursuant to Local Rule 105(2)(a), Defendant E. Stewart Mitchell, Inc. (“Mitchell”), by its undersigned counsel, herein respectfully requests that this Court grant Mitchell leave to file a Surreply in Opposition to Plaintiff Crofton Ventures Limited Partnership’s (“Crofton”) Motion to Reopen, attached to this Motion as Exhibit A. A surreply is necessary in light of the fact that Crofton filed a Motion to Enforce the Settlement Agreement the same date it filed its Reply in Support of its Motion to Reopen. The Motion to Enforce the Settlement Agreement, which has irreparably prejudiced Mitchell, has significant impact on the Motion to Reopen for the reasons outlined in the Surreply.

Also, despite admitting that settlement had been reached between the parties in its Motion to Enforce the Settlement Agreement, which is an apparent about face from its earlier

allegation that the agreement was not consummated made in its Motion to Reopen, Crofton has requested that this Court to defer ruling on its Motion to Reopen until it rules on the Motion to Enforce the Settlement Agreement. The attached Surreply is necessary to respond to this request.

Mitchell, therefore, respectfully requests that this Court grant it leave to file its short Surreply in Opposition to Plaintiff's Motion to Reopen, and order the Clerk to accept the attached Surreply for filing in the above-captioned case.

Respectfully submitted,

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

/s/  
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Dated: November 25, 2003